



2832

Docket No. 5000-4999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Kitaru IWATA et al.

Group Art Unit: 2832

Serial No.: 10/081,541

Examiner: Lincoln D. Donovan

Filed: February 22, 2002

For: ELECTROMAGNETIC ACTUATOR AND METHOD FOR MANUFACTURING
ELECTROMAGNETIC ACTUATOR, AND CONTROL VALVE FOR VARIABLE
DISPLACEMENT COMPRESSOR USING ELECTROMAGNETIC ACTUATOR

CERTIFICATE OF MAILING (37 C.F.R. §1.8(a))

Mail Stop DD
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached:

1. Information Disclosure Statement
2. Form PTO-1449
3. European Search Report
4. Three cited references
5. Return Receipt Postcard

along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing are being deposited with the United States Postal Service on date shown below with sufficient postage as first-class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: April 12, 2004

By:

Steven F. Meyer

Steven F. Meyer

Registration No. 35,613

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INFORMATION DISCLOSURE STATEMENT

Mail Stop DD
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:
2. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.
3. ☐ Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in application Serial No. _____, filed _____.
4. ☒ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
 - ☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of a national application other than a CPA; or
 - ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application; or

- ☒ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits; or
- ☐ 37 C.F.R. §1.97(b)(4) before the mailing date of a first office action after the filing of an RCE under §1.114.
5. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):
- ☐ A check in the amount of \$180.00 is enclosed in payment of the fee.
- ☐ Charge the fee to Deposit Account No. 13-4500, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
- b. the fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 11 below.
8. ☐ This Information Disclosure Statement is being filed in compliance with:
- a. ☐ 37 C.F.R. §1.313(b)(3) or §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h);
- b. ☐ 37 C.F.R. §1.313(c)(2) or §1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h).
- c. ☐ The fee due under 37 C.F.R. §1.17(h) is paid as set forth in paragraph 11 below.
9. ☒ I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any

individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

10. ☒ This document is accompanied by ☒ a Search Report ☐ Communication which was cited in a corresponding ☐ PCT or ☒ Foreign counterpart application
11. ☐ A check in the amount of \$ _____ is enclosed in payment of the fees due under 37 C.F.R. §§1.17(h) and 1.17(p).
- ☐ Charge the fees due under 37 C.F.R. §§1.17(h) and 1.17(p) to Deposit Account No. 13-4500, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 13-4500, Order No. 5000-4999. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

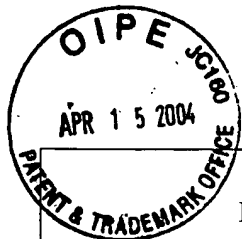
Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: April 12, 2004

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FORM PTO-1449

Attorney Docket:
5000-4999Serial No.:
10/081,541

INFORMATION DISCLOSURE CITATION

Applicant:
Kitaru IWATA et al.Filing Date:
February 22, 2002Group Art Unit:
2832

U.S. PATENT DOCUMENTS

Examiner Initial	Patent Number	Issue Date	Name	Class	Sub-Class	Filing Date
	6,142,445	11/7/00	Kawaguchi et al.	251	129.15	5/1/98
	5,890,876	4/6/99	Suito et al.	417	213	3/31/97
	5,160,116	11/3/92	Sugiura et al.	251	129.14	12/28/90

FOREIGN PATENT DOCUMENTS

Examiner Initial	Patent Number	Publication Date	Country	Class	Sub-Class	Translation
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER DOCUMENTS (Including Author, Title, Date, etc.)

Examiner

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP §609.
Draw line through citation if not in conformance and not considered.
Include copy of this form with next communication to Applicant.



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TBK - PATENT

Datum/Date

09.02.04

Zeichen/Ref./Réf.

(EP 33780)

Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°.
02004196.8-2315-

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

Kabushiki Kaisha Toyota Jidoshokki

COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

☒ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

The following specifications given by the applicant have been approved by the Search Division:

☒ abstract

☐ title

☐ The abstract was modified by the Search Division and the definitive text is attached to this communication.

The following figure will be published together with the abstract:

2

WV 9.4.04 ✓

REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





European Patent
Office

EUROPEAN SEARCH REPORT

Application Number
EP 02 00 4196

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
A ✓	US 6 142 445 A (KAWAGUCHI ET AL.) 7 November 2000 (2000-11-07) * column 2, line 28 - line 52 * * column 3, line 55 - column 4, line 14 * * column 4, line 59 - column 5, line 9 * * figure 1 *	1,8,15, 16	F04B27/18
A ✓	US 5 890 876 A (SUITO ET AL.) 6 April 1999 (1999-04-06) * column 2, line 40 - line 62 * * column 7, line 41 - column 8, line 22 * * figure 1 *	1,8,15, 16	
A ✓	US 5 160 116 A (SUGIURA ET AL.) 3 November 1992 (1992-11-03) * column 1, line 32 - line 36 * * column 2, line 39 - line 59 * * figure 1 *	1,8,15, 16	
			TECHNICAL FIELDS SEARCHED (Int.Cl.7)
			F04B
The present search report has been drawn up for all claims			
Place of search MUNICH		Date of completion of the search 30 January 2004	Examiner Gnächtel, F
CATEGORY OF CITED DOCUMENTS			
X: particularly relevant if taken alone Y: particularly relevant if combined with another document of the same category A: technological background O: non-written disclosure P: intermediate document T: theory or principle underlying the invention E: earlier patent document, but published on, or after the filing date D: document cited in the application L: document cited for other reasons & : member of the same patent family, corresponding document			

**ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.**

EP 02 00 4196

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

30-01-2004

Patent document cited in search report		Publication date		Patent family member(s)	Publication date
US 6142445	A	07-11-2000	JP	10318414 A	04-12-1998
			DE	19821438 A1	14-01-1999
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